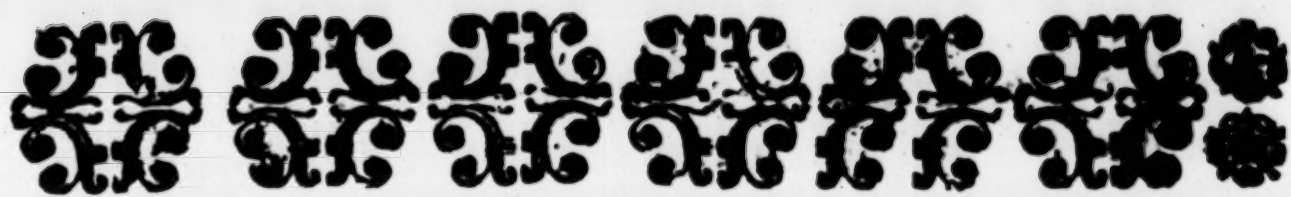


TO THE
Right Honourable
THOMAS Lord FAIRFAX,
Lord Generall, &c.
AND THE
COMMANDERS
AND
OFFICERS,
Of the
GENERALL COUNCELL
Of the
ARMIE.

THE
Often itterated Remonstrance, and
humble Petition of Prisoners for Debt, in the
KINGs-Bench, Fleet, &c.

LONDON, Printed in the yeare
1649.



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Thomas Lord Fairfax, Lord Ge-
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The often iterated Remonstrance, and humble Petition of pri-
soners for Debt, in the Kings-Bench, Fleet, &c.

Shewing,

That the imprisoning their bodies for debt, is un-
 lawfull, as followeth viz.

First, Because contrary to the Law of God, de-
 clared, 15. *Deut.* 1. 2, 3. *Every Creditor that lend-*
eth ought to his Neighbour, he shall release it: he shall not ex-
act it of his Neighbour. And 6. Matt. 12. Forgive us our
debts as we forgive our Debtors.

Secondly, Because contrary to the Lawes of Nature and
 Reason, as we beleeve both Creditors and Lawyers would
 confesse, were it their own case to be imprisoned even to
 death, as many poor Debtors are; they would say, they
 would not so be done to.

Thirdly, Because contrary to *Magna Charta*, and the
 Common Lawes of *England*, composed (as saith Dr. and
 Student) of the Laws of God, Nature, Reason, &c. And,
 saith *Plowden*, (an approved Lawyer) what Law soever is
 contrary to these, is voyd, though enacted by Parliament.
Plowd. Comt. Leicesters Case.

A 2

Fourthly

Fourthly, Because *Magna Charta* hath been confirmed from age, to age, above 33. times, as appeareth, *Rast. abr. fo. 65. b.* And lately 3. *Car.* upon the *Petition of Right.* approved by this Parliament.

Fifthly, Because it is expressly declared by the Statute, 42 of *Edw. 3. cap. 3.* that if any Statute be made contrary to *Magna Charta*, it shall be void. And the Statute that gave the *Capias* for Debt, was 25. *Edw. 3.* (which was long before) is therefore void.

Sixthly, Because that Statute, which gave the *Capias* for Debt, declareth it self void; saying, Such Processe shall be made in a Writ of Debt, and detinewe of Cattells, and taking or Beasts by Writ of *Capias*, and by Processe of *Exigent* by the Sheriff, as is now used in the Writ of *Accompt*. The Writ of *Accompt* appeareth to be, *ad reddendum computum*, and not *debitum*, and consequently for deceit, and breach of the Masters trust, according to the Statute of *Mazlebridge, An. 15. Hen. 3. cap. 23.* which declareth it to be for the *Accompt*, and withdrawing himself from his *Accompt*, and conveying his Estate, so that nothing is left whereof to be distrained: And so agreeth the Statute *Westminster, 2. An. 13. Edw. 1. cap. 11.* both concluding the cause of the Arrest, to be the deceit of the Accountant in shunning his *Accompt*, and not for his Debt; which deceit, *Magna Charta* (being grounded upon the Law of God, which is truth) would have punished as falsehood; against which offence (that age being less guilty of it, then this) there was no expresse Law made before; but for Debt there was a speciall Law made, even in, and by the very same Parliament of *Westminster 2. cap. 18.* whereby nall the Debtors inheritance, and his goods and Chattels, except the beast of his Plough &c were given to the Creditors; And so a Debtor that never withdraweth his person, nor conveyeth his Estate but submitteth all to the mercy of that Law, ought not to be compared to a deceiver: And the *Capias* for Debt, founded upon that reason, confoundeth it self by its own reason.

Seaventhly, Because the Statute 28. *Ed. 3. cap. 3.* made
three

three yeares after that for the *Capias* saith, No man, of what estate, or condition that he be, shall be put out of Land or Tenement, or taken and imprisoned, or disinherited, or put to death, without being brought in, to answer by due processe of Law, which relateth to the fifth Statute made, 25. Ed. 3. cap. 4. which declareth that Processe to be by Writ Originall at Common Law. And Mr. Kitchen, tit. *Processe en Court Baron*, fo. 83. b. saith, Processe at Common Law is the same as in a Court Baron, viz, *Summons* (which the Originall declareth it self to be) *Attachement*; and *distringas* successively one alter another 15. daies at least, before it be a full processe at Common Law, to usher a *Capias*, to bring in the Defendant to answer by due processe of the Lawes: And this opinion is confirmed *Retur. brev. tit. processe en Common bank*, fo. 4. where the Return of the Originall is set down,

Thus,	{	<i>Plege de Proc. I. S. K. M.</i>
		<i>Sum. Infra scr. I. S. per M. R. S:</i>
		<i>I. D. miles vic.</i>
Englished thus	{	Sureties to prosecute I. S. K. M.
		I have summoned the
		within Written, I. [S. by M. K.]
		<i>Sub nonitors</i>

I. D. Kt. Sheriffe.

And another Return thus, *Infra Scr. A. B. nihil habet in ball. mea qd. Sum. potest*: Englished thus, The within named *A. B.* hath nothing in my Baylliewicke whereby to be Summoned. And the Return of Attachement ought to be *Attacheavi, viz.* I have Attached, or *nihil habet in ball. mea per qd. Attachiari potest*; that is, He hath nothing in my Baylliewick whereby to be Attached. And the Return of *Distringas* ought to be *distrixi*, that is, I have distreined, *aut nihil habet per qd.* that is, he hath nothing whereof: And it is for want of having whereof to be distreined that the *Capias* was granted, and used against Accomptants, as appeareth by the Statutes of *Malzebridge* and *West-*

Westminster, 2. before cited. And that was lawfull, and just to be used, to punish deceit as aforesaid; And therefore not lawfull to be used against a Debtor, having nothing to be distreined, because forced to pay other mens Debts by Law, or decayed by losse of his estate at Sea, or by fire upon Land, acts of God. and no deceit, or offence judicable by man in the Debtor. And therefore not only a voide Law against him, because contrary to the reason it giveth it self for its foundation, but to the Lawes of God, nature, and reason, and to the expresse words of *Magna Charta*, that would have no Free-man of *England* imprisoned for innocent and unavoidable poverty; but also because no full proccesse at Common Law, and therefore declared voide by the saide fifth Statute, made 25. *Ed. 3. cap. 4.* But some will say, That more men decay by gaming, rioting, and other vices, or unthriftinesse, then otherwise: Indeede we have heard some Lawyers, Merchants and Vsurers (having enriched themselves by their deceits, subtilties, and damnable thirst) have used to say so, when it hath been generally observed, that the heirs of their ill-gotten possessions, dissipated the same like chaffe which the wind scattereth, *Psalme 1. 5.*

Eigently, Because the Originall for debt, is not directed to the Sheriff of the proper County where the Debtor dwelleth, or hath whereof to be distreined: And the Defendant may have his Action against the Sheriff if he return, *Non est inventus*, or *nihil habet*, or both when the Debtor can prove he is, perhaps, as eminent, and as responsible to Law both in person and estate, as the Sheriff himself; or at least doth not absent himself, or hath any thing to be distreined, as appeareth. *Nat. br. tit. Trns. sur le case fo. 93. a.* And if the Sheriff returne upon the Originall he hath summoned, when he hath not; the Plaintiff hath his Action of deceit, as appeareth in the Exposition of the Termes of the Lawe, *fo. 123. b.* against both the Sheriff, and the Summonitors; which sheweth the intention of the Law, in pursuance

ance, and prosecution of the Originall, to be truth and Justice, and consequently agreeable to the Law of God, *Magna Charta*, and reason: But the practice is contrary to all, viz. For the Plaintiff and his Attorney to conspire to procure an Originall from the Curfitor for *London*, or *Middlesex*, to the Sheriff of *London*, or *Middlesex*, where they know, the Debtor neither dwelleth, nor hath any thing whereby to be Summoned, being a dweller in *Cornwall*, or *Cumberland*, like mere unreasonable Hunters of Christians then those of Foxes, or Hares, who seek for them first neare their holes, or couches, where they are likeliest to be found, or tracted from: And this Writ is never shewed to the Sheriff to whom it is directed, but returned by the Attorney that procured it, with *Nec est inventus, et nihil habet*, or *Summonsi*, counterfeited and forged under the Sheriff's name and hand that never saw it, and so tyled upon Record, whereby the Law is made guilty of wrong doing, and conniving with colesing, falsehood, and forgery, by granting a *Capias* upon that ground, to bring in the Defendant to answer for debt, perhaps as false and unduly demanded, as the Writ is obtained; And that *Capias* to be made an exigent with Proclamation to the proper County at last whereby the Defendant is Subjected to an Out-lawry and forfeiture of all his estate to the King, and to the debarring of all his just Suites in Law, while the Outlawry stands; and to no small cost to reverse it, and un-recoverable expences by travelling far, and hiring Attorneys, and Solicitors to assist him therein; or if he yeild his body to the Sheriff upon Proclamation made in his Parish Church, before he can hear of the Suite, his estate is flandered, and reputation disparaged more then the Plaintiff and his Attorney are worth; and at last all waved and past over by this Court as things never done; & a declaration accepted of the Plaintiff with *Jo. Doe*, and *Rich. Roe*, subscribed pledges *de prosequend.* men in the Moone, of whom he may go look for his costs and damages, instead of real men that should be answerable

ble, as affirmeth Mr. *Horne*, in his *Mirour of Justice*, fo. 64. b. which can be no due processe by the Law of *England*; grounded as aforesaid, and therefore void by the said Statute, 25. Ed. 3. 4. before cited.

Ninthly, Because the returne of the Writ is commonly *Non est inuenius*, or *Nihil habet*, or both, and the Declaration is *Summonitus fuit*, whereby the Writ and the action, vary so much, that one of them must needs be false, and so the Action is become a fained Action; and so all the proceedings which are had therein, fained, false, and void, in all Law and truth; whereat we cannot chuse but blush to think, and tremble to aske with what impudence, men (that would be counted learned Lawyers, grave Sergeants, and Reverend Judges, or honest Attorneys) dare countenance and maintaine such a Mystery of iniquity, under the vaile of Law and Justice; which kinde of Law and Justice, *Littleton* disavoweth, fo. 154. a. et b. and both he, and *The Expofitor of the termes of the Law*, fo. 154 b. affirm it to be a fained Action, as aforesaid.

Tenthly, Because the Debtor (having notice of the Suit by the Writ Originall, directed as it ought to the Sheriffe of the County where he dwelleth) might pay the debt (if due) upon the Sheriffs demand, or his Bayliff, and so end the matter at home (paying the charges of the Writ, and the Bayliff for his paines to make that demand) and so save his journey from *Cumberland* or *Cornwall* to *London*, more chargeable perhaps then the demand, which (though unjust, he had better pay for that cause: which if he were not able to do, but must indure to be Summoned, then the Sheriffe ought to take good security, to save himself harmlesse, and to pay the Defendants costs, and damages, if the Action should prove naught; And after give the Summons by good Summonitors, whose names and the Pledges are to be returned, upon the Writ, (as aforesaid) against whom, and the Sheriffe, the Defendant might have his Action, as he should finde cause: all which appeareth by the Writ it self,

in these words, viz. *Rex vic, &c. prec: A: quod iuste, &c. reddat B. C. s. quos ei debet, et iniuste detinet, ut dicet, et nisi fecerit, &c. et pred B. fecerit, &c. tunc sum: per bonos sum A. &c.* Englished thus: The King to the Sheriff, &c. do thou command A. that he justly, &c. restore to B. C. s. which he oweth him, and unjustly detaineth from him, as he saith; and if he doth not, &c. And the said B. doth give thee security, &c. Then summon A by good Summoners, to be by a certain day imitted in the Writ, before our Justices at *Westminster*, to answer B in a Plea of debt: And have thou there then the names of the pledges, and of those by whom thou summonest him, and this Writ. Command thou A, &c. by this is implied, that the Sheriffe, or his Bayliffe speak with A, and demand the money, and that if A pay it, the Sheriffe hath no more to do with him upon that writ, and if he doth not pay, then upon his refusall, the Sheriff shall take security of B as aforesaid: and after that, the Sheriffe is to summon A to be as aforesaid: And the words the Sheriff (used emphatically by the Statute that giveth the *Capias*) implyeth the proper Sheriff where the Defendant is to be spoken with, and may be summoned, if he refuse to pay; and not where the Plaintiff and his Attorney, or one of them knoweth he is not to be found, and hath whereby to be summoned: And that the Plaintiff and his Attorney, or one of them, doth know where the Defendant is to be found, & hath any thing whereby to be summoned, appeareth, in that they know he is alive, and likely not to dye before recovery, or else the suite would be in vain; And if the debt be by specialty, they know by that where he dwelleth, or did; And so) were they as just in their Originals, as the Chancery is in their *Subpæna*, which is their first Summons, and alwayes directed where the Defendant dwelleth, and sufficiently executed, if left at the Defendants house (they would direct their Original to the proper County. But say they, an Action for debt is not locall, and therefore we may lay the venue where we list, and so out-law both the Defendant and his sureties, before they need to have notice of any sute (as is usually done:) but say we, deceitfully done, as aforesaid, to the undoing of many of the Commons of this Realm, and hazard of all; none knowing whose case a subtil Attorney & a malicious Plaintiff may make it; contrary, not only to true Law, but to truth it self, and therefore void in Law, Reason, and Conscience, as aforesaid.

Thus having shewed your Honours our grievance in general, for being imprisoned for debt, by colour of an unlawfull *Capias*, grounded upon a void Statute, or a counterfeit Original, or so returned and recorded in the *Common Pleas* (where we confess an action of debt to be proper,

if truly prosecuted for want of justice done therein in the proper County where the debtor dwelleth, and that proved, and not pretended only, as is usual.) Now we are to shew how we are further injured, and destroyed by each Court at *Westminster* in severall, and afterwards by all, concurring as one, to raise and uphold themselves in Wealth and Honour, above all other Courts, and Callings of men, by devouring the Commons in their lives and substances, as followeth.

First. The Kings Bench in its particular, (being forbidden by *Magna Charta*, ca. 11. in these words, *viz.* Common Pleas shall not follow our Court, but shall be holden in some place certain) holdeth pleas of debt, which properly are Common Pleas, and appointed to be holden and determined by judicial writs called Justicies, by Sheriffs in their Counties, Stewards in Court Barons, or hundred Courts, and by Magistrates, by vertue of their Charters in their Corporations. And practiseth (as the Common Pleas) by Originalls directed to wrong Sheriffs, & returns counterfeited and recorded, and a latitat for trespassse (upon a forged and slanderous Testatum, importing the Defendant to be lurking, and a Runnagate in the County, where indeed he liveth in reputation and credit) issueth against the Defendant, and so an *Alias Plur.* &c. untill he be taken, and brought into Court thus discredited, and there upon the *Capias* and all former proceedings passed by, and a Declaration filed relating to the Original, and saying the Defendant is *Custodia Mareschalli*, who standeth upon his bayle till he be convicted by an incompetent and improper Court, and then committed to an extorting Goaler, who feedeth upon his Prisoners livelihood, as long as that lasteth, and then starveth, or otherwise murthereth him: which is the hazard of us all that live in that prison; which we humbly submit to your Honours consideration.

Next. The Court of Chancery filleth the Fleet with Prisoners for debt, not only by colour of Recognizances, Statutes, Staple, and Merchant; but also by specialties for debt, and evidences for Lands, supposed to be lost, when in truth they are not, but produced by the Plaintiff upon all advantages: whereby this Court (under pretence of equity) ingrosseth all causes of Law, and retaineth them, either by way of Bills or Injunctions; and Orders, *pro* and *con*, *ad infinitum*. So long as Plaintiff or Defendant be worth 5 *l.* after the expence of many hundreds, and both dye beggars, the one commonly in the *Fleet*, and the other in the street, both full of Petitions for equity in their bosomes, and both empty of bread, for sustenance in their bellies: There being no equity that any should be imprisoned for debt, for which both the Chancery, and Common Pleas, may grant *Elegits* to the Creditors, of their debtors Estates, as aforesaid; And there

there being a Statute made 15. H. 6. ca. 4. that no *Subpena* be granted till suerty be found to satisfie the party grieved, and vexed, for his damages and expences, if so be the matter cannot be made good, which is contained in the Bill: which Statute (if observed, and Justicies granted as it ought) would save many lives at home, that are lost in prison.

Thirdly. The Exchequer, (proper only for the Kings Tenants, Debtors, and Accomptants) retaineth others, under pretence of tenures, Debts, or Accompts due to the King, where there is no such in truth, meeteth in the way of deceit and falshood, with the rest of its Brethren; and so committeth many to the Fleet, where they are starved, as aforesaid, which we submit as aforesaid.

The Court of Kings Bench further useth a Writ, called a Bill of *Middlesex*, which declareth it self to be for trespasse, but serveth to arrest for debt, and hath no further process, but *Iteration ad infinitum*; So that the Plaintiff may let fall his Action, and begin it again as often as he list, upon pretence of debt, commonly where none is due; but the Plaintiff (coveting to enrich himself by oppressing a poorer man, or to revenge his malice upon a simpler) conspireth with the Sheriffs Bayliffs to arrest the Defendant so often, that he is forced to pay whatsoever is demanded, if he be able, rather then be continually subject to such a trouble, as taketh him from his calling, whereby he earneth his living, to starve in a Goale. And so by this trick, as much as any other, (except writs of priviledg used by Attorneys, and other supposed Members of one of the said Courts) many honest men are made poor, and Catch-poles made rich, under colour of Law and justice, without all truth and conscience: which we humbly submit as aforesaid.

The Court of the *Marshalsey* and its a prison, ought to be for tords, which are not of the Kings Houshold, Plaintiff, or Defendant, or both, and that debt ought not to exceed 40 s. and that ought to be contracted within the verge, and that ought not to exceed 12. miles from the Kings Court. Now, why such a Court, when there is no such King, or Houshold? Nay worse, a Court that exerciseth jurisdiction above 20. miles from London, (be the Kings Court, and Houshold where they please) in Actions of 1000 l. debt, and imprisoneth, and destroyeth good Gentlemen in abundauce; contrary to the Statutes of *Art. super Cart. ca. 3.* And 5. *Ed. 3. 2.* And 10. *Ed. 3. 2.* And 9. *R. 2. 5.* And 13. *R. 2. 3.* And 2. *H. 4. 23.* And 15. *H. 6. 1.* which we humbly submit as aforesaid.

Now all the Courts at *Westminster* ingrosse and monopolize all the Justice of the Kingdom into their own hands, and sell, delay, and deny it, and share the price thereof amongst themselves as they please, by the meanes ensuing, viz.

First, by hiding *Magna Charta*, and the rest of the Lawes, and proceedings thereupon, in a base kind of *French*, unknown to any true *Frenchman*, or many true Christians; And in barbarous *Latine*, contracted with etcetera's and subauditures, not intelligible by Schollers, till they study them in their Inns of Court, or Chancery above 7. years, contrary to *Magna Charta*, that would & should be published and proclaimed to the people, in all Cities, Towns, Markets, &c. as the Common Law of *England*, whereby they and their posterity are to be governed for ever, and which ought to be kept, and read twice yearly, to all Congregations in Cathedral Churches, and the breakers thereof ought to be excommunicated *ipso facto*, by the Statute of 25. *Ed. 1. ca. 1*. And again, the breakers thereof should be enquired of, by all Sheriffs in their Counties, & Justices in Eyre in their Circuits, by another Statute of the 25. *Ed. 3. ca. 5*. And further *Magna Charta* should be delivered to every Sheriff under the great Seal, and read 4. times yearly before the people in full County, viz. the next after *Michaelmas*, the next after *Christmas* the next after *Easter*, and the next after *Midsummer* day. And Commissioners in Eyre should be chosen by the People of every shire in full County, of Knights, or other lawfull, wise, and well disposed persons (which we conceive to be such as desire the peace and well-fare of their Neighbours, and not mercenary Lawyers, who raise their Wealth and Honour out of their Neighbours contention, and the publique ruine) we intend not such Judges and Lawyers, as content themselves with moderate gaines, and their Neighbours love, but bewaile the fewnes of them, and wish their increase, and happines, which be, or would be such.) Which persons so chosen, and no others, ought to be assigned by Letters-Patents, under the great Seal, Justices in Eyre to hear, and determine, without any other Writ but their Commission, all complaints against all breakers of *Magna Charta*, and its confirmations as well within Franchises, as without, from day to day without delay, and without allowing delays which be at Common Law. *Art. super cart. 28. Ed. 1. ca. 1.*

Secondly, by pretending themselves the onely learned in those Lawes which they have so concealed for themselves, from the people, who would

would have been as learned in them as most of them, had the same been read unto them (as it ought) in their own language; and as well the illiterate by hearing, as the literate by reading, would have avoided that ignorance imposed upon them by Lawyers (no lesse dangerous to their estates, hazarded by not understanding their Lawes, then that for their souls imposed by Bishops, who forbad them the Scriptures:) which plea of ignorance neverthelesse Prelats never could, and Lawyers never would admit to excuse any ignorant offender, but rather agree to punish such deeplier (as whom they may boldlier abuse) then the scient, and worst of peccants, Goalers, and Catchpoles, without which they could neither plow nor reap; and by whose wit (as pernicious as their own) and the fomenting thereof in all pravity, they secure their consistence.

Thirdly, by incorporating themselves with Justices in Eyre, whom they lately composed of the Nobility and themselves, not by the peoples choice or assent, but their own misadvice, which misperswaded the King to assent thereunto, which was not to execute *Magna Charta*, or punish the breakers thereof (whereof themselves were chiefest) but to order Forrests and Chaces for their own better interests in the pleasures and profits thereof: And by mis-interpreting the stile of *Justices Errants* (in the Statute of 2 *Ed. 3. Cap. 2.*) to be their own, as Justices of Assize, Goale-delivery, and *Nisi prius*, appointed for Circuits, by the Chancellor, or Keeper for the time being; and the horrible trespasses spoken of in that Statute, to be some unexpectable wonders never to come or be feared; they baffle the people out of their choyce of Justices in Eyre, and foole such as they thrust in, onely by the name to usurp the power of ordering Forrests with their advice, and to leave them the whole managing of *Magna Charta*, the best part of the Commission, upon their pretence that no Commission of Oyer and Terminer ought to be granted, but before Justices of either Bench, or *Justices Errants* (meaning themselves by all these stiles;) whereas by the true perusal, and right Exposition of that Statute, it plainly appeareth that the *Justices Errants* there meant, are the Justices in Eyre chosen by the people, according to the Statute of *Art. super Cart*: And the horrible trespasses there spoken of, are the breach of both Charters, then which nothing then could be thought more horrible, deserving excommunication by the said Statute of 25. *Ed. 1. cap. 1.* who was the Grand-father of *Ed. 3.* as that Statute of 2. of his reigne *cap. 2.* relateth unto.

Fourthly, by multiplying their Attorneys, contrary to the Statute of 21. of King *James*; and their Lawyers, beyond the number of Clyents, and

and motions at *Westminster*, Wherefore their supernumeraries (by insinuations with Sheriffs, Lords of Liberties, and Magistrates of Corporations) become the onely Recorders of Corporations, Stewards of Leets under-Sheriffes, Sheriffes-Clerkes, and Clerkes of Court Barons throughout *England* and *Wales*, whereby (to gratifie the favours of the Judges at *Westminster*, and in Circuits) they drive all the Causes of all Cities and Countries before them thither, and foole their Masters and their Courts out of their rights and lustre, in discontinuing the use of all Judiciall Writs, which impowred their Ancestors to try all Assizes, and Pleas, as well reall as personall, in their Counties, Hundreds, and Court-Barons, whereof their Free-holders were and ought to be the proper Judges: so that the King and his Judges at *Westminster* were and ought to heare no more thereof, but for default of Iustice, as appears *Nat.Br.* the Register. Mr *Kitchen* in his book of *Court Baron*, *Crompton* in his *Jurisdiction of Courts*, and other learned and good Lawyers set forth at large.

Nay more, when Actions of Debts, Batteries, &c. are commenced in Corporations by vertue of their Charters, or in Counties, Hundreds, or Court Barons by Iustices, they are seldome suffered to come to judgements, but removed by *Pone*, *Certiorari*, or (since the *Capias* for debt infected all *England*) by *Habeas Corpus*, or *Corpus cum Causa*, to *Westminster*, without any prooffe of any default of justice, but onely upon meere suggestion, or false accusation, contrary to the Statutes of 5. of *Ed. 3. cap. 9.* 28. *Ed. 3. cap. 3.* and 17. of *R. 2. cap. 6.* And such as are so removed by *Habeas Corpus*, *Corpus cum Causa*, or *Certiorari*, (having judgement given by th Court to which they are removed) are seldome, or never remanded to the places whence they are brought, where they might be nearer their Creditors to compound with them; or their friends to relieve them in prison, as the Statute of 2 *H. 5. ca. 2.* requireth; but thronged amongst the rest into the *Kings Bench*, or *Fleet*, where they commonly starve, as aforesaid, which we humbly submit, as aforesaid.

And likewise after judgements, causes are removed upon suggestions of false judgements, errors, &c. where none can be proved, only to delay justice, contrary to *Magna Charta*.

And worse then all this, if a poore Cottager of *Cumberland* or *Cornwall*, ow another 5. s. & happen to displease, or cannot well please an Attorney of the *Kings Bench*, or *Common Pleas*, that is his neighbour, and perhaps would have him work for nothing, or lesse then the Countrey alloweth for wages, he shall be *capias*ed to the *Kings Bench*, or outlawed in the *Common Pleas*, sell his only Cow, and forced to fee another Attorney of the same Court to defend him. And thereupon, (if both
Attur-

Attorneys think fit to compound the matter to the charge of both parties, and their own advantage) this poore debtor may stay at home, and work for another Cow, or starve his wife and children; but if bound to appeare, a Declaration is filed against him, with a *Mutatus* to make up the demand 40. s. or more, and (because s. s. proved) judgement and execution given for all; and his body imprisoned, and often fetched by *Habeas Corpus*, to starve in the *Kings Bench*, least his wife should be able to relieve him from home, by her industry, or friends, which we humbly submit, as aforesaid.

If our observations in the premises be too short to inform your Honours of all, or halfe the impostures of Mock-lawes, we beseech you impute it to our ignorance, and their science, and studies to make us such; which science, as they use it, is an omniscience of deceit, better unknown to Christians, then studied for their destructions.

And thus having shewed our grievances as briefly as we can; for remedy thereof,

May it please your Honours to intercede for us, that the High Court of Parliament would vouchsafe to limit the Courts at Westminster to do justice to all men that can prove default thereof done them by any other Court, according to the Statute of 1 Ed. 3. 14. Parl. 2. which authorized them to meddle no further. And to command the Chancery to grant all manner of judiciall Writs to all Sheriffes, and Stewards to determine all causes anciently belonging to them, within their Counties, Hundreds, or Court-Barons, as the Writs specifie. Ne amplius inde clamorem audiamus pro defectu justitiæ. And to grant Commissions in Eyre (to such persons as every County shall chuse two) to goe in Circuits for every three or more Counties, to heare and determine all offences against Magna Charta, and its confirmation: And to order it to be read as it ought, henceforth in full Counties and Churches, and the breakers thereof to be excommunicated, according to the tenor of the Statutes in force in that case. And whereas the said high Court hath been pleased often to promise an Act for a Commission according to our former petitions, to enable Commissioners to enlarge our bodies, paying our just debts so farre as our estates may extend, and giving bonds for the rest, when God shall enable us. And for that Commissioners cannot judge what debts are just, without power to heare & determine extortions, perjuries, usuries, forgeries, cheats, deceits, and oppressions, concerning us and our causes; and contempes concerning their justice. And for that such Commissions ought to be granted to any that will sue for them, is saith Nat. Brev. fol. 112. D. Crompton Justic. p. fol. 51. a. b. and by the example of the Statute of Ragman 4. Ed. 1. And for that Commissioners ought not to attend our affaires, and forgoe their
own,

own, without wages and accommodations for their necessary support, and their Ministers (which we are not able to afford, and ought not to expect the State to allow of their own revenue;) we humbly crave that such a Commission be granted, with power to the Commissioners to retain by their Treasurer, a moiety of the Fines, Issues, Amerciaments, and Forfeitures, which shall duly arise before them, upon offenders in such cases: And to allow their necessarie Ministers reasonable fees for their pains and attendance, as the like officers have and ought to have for the like service in other Courts. And for that it appeareth in print, how the trust of the House, and Committee (appointed for the debating and reporting of your Petitioners cause, and former petitions concerning the said Act and Commission) is too openly abused by certain Law-mistaking Professors thereof, and unworthy members of that most honorable Body, to whom the presenting of that Act and Commission to the House, according to the report of the said Committee, and to Law and Reason, was ordered by that ridiculous paper mistiled (An Act for the discharging of poor Prisoners, &c.) whom together with their Creditors, and your Honors (their Intercessors) & all that expected justice or honesty in that matter, they have shamefully deluded, and declared themselves and their Complices, enemies to us and our cause; and parties against us and the common liberty: We therefore beseech that all professed common Lawyers may be no more Judges of us or our causes, but be deprived of all power to vote, or be present in the House, or any Committee that shall have the debating of the premises. And for your Honours mediation in all particulars before specified,

Your humble Orator shall ever pray, &c.

